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OAKLAND
2016 JUL -1 AM 10:10

AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Michele Byrd
Director, HCD

SUBJECT: BRT Business Assistance Fund
Guidelines—Supplemental Report

DATE: June 16, 2016

City Administrator Approval

Date:

7/1/16

RECOMMENDATION

Staff Requests That The City Council Adopt A Resolution 1) To Approve The Eligibility Criteria And Disbursement Guidelines For Business Assistance And Sustainability Fund And To Authorize The City Administrator, Without Returning To City Council, To Disburse Said Funds In The Form Of Grants Not-To-Exceed \$100,000 Per Eligible Business Based Upon The Approved Eligibility Criteria And Disbursement Guidelines; and 2) To Authorize The City Administrator To Renegotiate The Terms And Allocation Of The \$2,000,000 Business Technical Assistance Grant From AC Transit.

REASON FOR SUPPLEMENTAL REPORT

The City Council appropriated a total of \$2,000,000 towards a Business Assistance and Sustainability Fund (henceforth referred to as the Business Assistance Fund—"BAF") to provide direct monetary assistance in the form of loans and grants to businesses that experience adverse permanent impacts from Bus Rapid Transit (BRT) infrastructure changes. The Public Works Committee considered initial findings and recommendations for the disbursement of the BAF on May 10, 2016, with direction to return to Committee with recommendations based upon Committee and community input. This report and Resolution contain staff's recommendations regarding the disbursement guidelines, oversight, and administration of the BAF.

The report highlights the areas of consensus reached by the Committee and attempts to focus the process of coming to consensus on a complete set of BAF Eligibility Criteria and Disbursement Guidelines for full Council consideration. The resolution is presented for the City Council's consideration given the need for ongoing authorization to distribute City funds in an equitable, efficient and timely manner to eligible businesses, many of which will need financial support to make modifications to their businesses before, during and after BRT construction.

This report also clarifies the distinction between the City's two elements of the BRT Business Sustainability Program, as well as provides a status on the overall coordination between the City and AC Transit concerning problem resolution, tracking of complaints and business assistance.

Item: _____
Public Works Committee
July 12, 2016

ANALYSIS AND POLICY ALTERNATIVES

For reference, the City's Business Sustainability Program services and funding were articulated and directed by the City Council by way of Resolution No. 85285 C.M.S. and 85286 C.M.S., adopted November 18, 2014.

1. **Business Technical Assistance Element:** City and AC Transit leadership agreed in principle to a \$2,500,000 Business Technical Assistance (TA) program intended to provide business services to merchants located along the BRT route in Oakland before, during and after BRT construction. By way of Resolution No. 85285 C.M.S., the City Council authorized a "Start-up Phase" TA contract of \$500,000 to the Oakland Business Development Corporation (OBDC), including a waiver of the competitive bidding process. The intent was to invest an additional \$2,000,000 towards Business TA in anticipation of a May 2016 start date for BRT Bid Packet 3 construction. ***The City Council did not intend that these funds be used for direct business financial support but rather assistance that would help address the changes in traffic, parking and customer patterns***To date, \$500,000 has been expended through CDBG funding.
2. **Business Assistance and Sustainability Fund:** This \$2,000,000 fund was established by way of Resolution No. 85085 C.M.S. and Resolution No. 85286 C.M.S., with a \$1,000,000 allocation of General Purpose funds previously approved during the Fiscal Year (FY) 2013-2015 mid-cycle budget process, and two allocations of Community Development Block Grant (CDBG) funding--\$500,000 in FY 2015-2016 and \$500,000 in FY 2016-2017. ***The City Council explicitly directed that these funds be used only for direct business financial assistance.*** The City Council also required that it approve guidelines for dispensing what is now referred to as the Business Assistance Fund (BAF).

In total, \$ 4.5 million is available to assist businesses directly and indirectly along the BRT corridor. During the last 6-8 months, the City and AC Transit have been working closely to coordinate the use of these funds in the most effective manner. Part of this work includes agreements pertaining to how complaints will be submitted, tracked and resolved, and the systems put in place during construction, and in turn how this process will integrate with the TA and BASF funding.

AC Transit Community Outreach and Public Engagement

AC Transit recently released a Request for Proposals (RFP) to procure BRT Community Outreach and Public Engagement Services, which will function under the direction of the District's Legislative Affairs and Community Relations Department. AC Transit's RFP Scope of Work for these services includes the following:

- Administration of the BRT Project Labor Agreement and Construction Career Policy (local hire);

- Construction Community Relations Management (CCRM), to ensure the project complies with the Construction Impact Mitigation Plan, among other requirements imposed by AC Transit and the Final Environmental Impact Statement and Report; and
- Public Outreach and Relations.

AC Transit has committed to providing one full-time equivalent employee to operate the BRT Information Center located at 3322A International Boulevard, which includes handling calls from residents and merchants on the BRT Hotline. AC Transit is the BRT lead agency in fielding and addressing any and all concerns regarding the BRT project. Concerns that require business services and technical assistance will be forwarded to the City's Business TA Provider. All business interactions will be recorded using the Salesforce Customer Relations platform by the City's TA Provider.

City of Oakland Business Technical Assistance (TA)

Many merchants and community advocates expressed concerns about OBDC's—now called Main Street Launch approach.. The City Council Community and Economic Development (CED) Committee on May 10, 2016 held-over staff's recommendation to enter into a new \$2,000,000 contract with Main Street Launch due to these concerns. Staff has since released a RFP to competitively procure BRT Business TA services not-to-exceed \$1,000,000 and has established a target date of September 13, 2016 for bringing its funding recommendation to the City Council. The primary duties in the Scope of Work for this contract, which is scheduled to go into effect by October 2016, are as follows:

- Define Indirect Economic Impacts not covered by the AC Transit Business Impact Mitigation Plan;
- Build relationships with businesses along the BRT route through frequent visits, patronage, and with team members experienced in working with recent immigrants and merchants of color;
- Provide customized Business TA Services based on a thorough understanding of each business's type, distinct needs, and situation along the route;
- Coordinate efforts with other business services organizations and funders that are investing expertise and financial resources towards BRT corridor organizations; and
- Identify businesses based on type and proximity to BRT stations, medians that impede left turns, and substantial parking loss to determine if they are eligible for BAF assistance based upon the eligibility and disbursement guidelines approved by the Oakland City Council.

Service Coordination

As noted, it is essential the City and AC Transit and our respective consultants work in close coordination. There will be regular Community Outreach and Business Technical Assistance meetings among our respective BRT staff persons and consultants. Significant BRT-related issues and concerns will be forwarded to the established BRT Project Coordination and Partnering Meetings, which include project and program managers, consultants, and executives as needed from AC Transit and the City. This facilitated, problem resolution meeting process

has proven to be highly functional and effective in advancing the BRT project and strengthening the relationship between AC Transit and the City.

Subject Matter Experts and Business Advocate

In addition to the City procuring the Business TA Provider, staff is recommending the procurement of on-call consultants with subject matter expertise, such as architecture, design, cost estimation, and parking/traffic analysis. Staff is also recommending procuring the services of a Business Advocate (Ombudsperson) through a contract with a community-based organization familiar with the BRT and International Boulevard businesses. These are functions that are not currently included in the Business TA Scope of Work but with Council concurrence, will be added to the team.

Integration of Business TA and Business Assistance Fund

At this point, the available \$4.0 million is proposed to be used in the following broad categories:

- 1) \$ 3.0 million in a coordinated approach to provide direct and indirect business assistance along the BRT Corridor;
- 2) \$ 1.0 million for staff, administration, systems (electronic tracking, etc.), on-call consultants and related expenses.

Effective use of the BAF depends on the Business TA Provider identifying businesses that may be eligible for financial assistance and working with businesses in developing plans and preparing grant applications. The starting point for the BAF, however, is the approval of the Eligibility Criteria and Disbursement Guidelines (please see ***Attachment A***).

Based upon what the City Council approves, staff will design the most effective ways to meld external and internal Business TA and BAF functions, including but not limited to the following:

- Grant application review and vetting of business eligibility;
- scope of work and cost estimates review;
- Development and execution of grant agreement, including all required schedules, licenses, proof of insurance, etc.;
- Incremental design review and approval process;
- Plan checking and building permit approvals;
- Reimbursement agreement;
- Contractor requirements verifications;
- Payment processing; and
- Grant compliance monitoring and reporting.

Complaint Tracking and Problem Resolution

The City and AC Transit are committed to coordinating complaints, problem resolution and assistance through construction and beyond. A single point of contact or hotline portal has been created where all calls are received and then distributed for follow up and action. Salesforce software will be used to track complaints, progress and resolution. As noted, regular meetings are being scheduled to review progress, address continuing problems and resolve concerns.

AC Transit Agreements

Given the progress in the City's and AC Transit's design of a coordinated response to construction and business assistance, the Resolution before the Council also includes the option of renegotiating the existing agreements between the the City and AC Transit to reflect current frameworks and responsibilities.

Advocacy and Appeals

Attachment B presents a recommended Appeals Process for businesses that are initially denied financial assistance and wish to contest those decisions. Staff is recommending an Administrative process rather than the formation of an Oversight Body to divert the costs of staffing a standing committee to the Business Advocate function, generically referred to as an Ombudsperson.

FISCAL IMPACT

The Business Assistance and Sustainability Fund was established by the Oakland City Council in two separate actions. Resolution No. 85085 C.M.S. authorized the allocation of \$1,000,000 in General Purpose funds during the FY 2013-2015 Biennial Budget modification (Line E16). Resolution No. 85286 C.M.S. authorized Community Development Block Grant (CDBG) Fund allocations of \$500,000 for FY 2015-2016, and \$500,000 for FY 2016-2017. The funding codes for the total allocation of \$2,000,000 for the BAS-f are as follows:

Fund Source	Organization	Project	Program	Amount
Fund 1010: General Purpose	Org 30214, ADA Programs*	P472230	AD05	\$1,000,000
Fund 2108: CDBG FY 15-16	Org 89919, Housing and Community Development Administration	P479710	NB32	\$500,000
Fund 2108: CDBG FY 16-17	To be appropriated			\$500,000

*These funds will be moved by way of a Budget Change Request to Org 89919, Housing and Community Development Administration.

All of these funds must be used for direct financial assistance to impacted businesses based upon the eligibility criteria and disbursement guidelines approved by the City Council.

Funding for the Business Technical Assistance Element has been accepted and approved for appropriation by the City Council by way of Resolution No. 85284 C.M.S., adopted November 18, 2014. Funding for the \$2,000,000 BRT Business Technical Assistance grant from AC Transit by way of an award from the Alameda County Transportation Commission (ACTC) was approved by the AC Transit Board of Directors in September 2015. The City received the Purchase Order for the funding from AC Transit in January 2016.

The funding block for this one-time AC Transit \$2,000,000 grant shall be appropriated as follows:

Fund Source	Organization	Project	Program	Amount
Fund 2999, Miscellaneous Grants Fund	Org 89919, Dept. of Housing & Community Development Administration	Project P472240, (to be renamed BRT BIM)	Program W985, AC Transit BRT	\$2,000,000

The use of the AC Transit grant funds for Business Technical Assistance closely tied to the Business Assistance Fund disbursement process is dependent upon approval of AC Transit and ACTC. Should either funder deny the City's request to assign these grant funds for internal business assistance services, the City will have to identify other sources of funding and/or staff resources to support the BAF disbursement process.

ACTION REQUESTED OF THE CITY COUNCIL

Staff requests that the City Council adopt a Resolution 1) to approve Eligibility Criteria and Disbursement Guidelines for the Business Assistance and Sustainability Fund and to authorize the City Administrator, without returning to City Council, to disburse said funds in the form of grants not-to-exceed \$100,000 per eligible business based upon the approved disbursement Guidelines; and 2) to authorize the City Administrator to renegotiate the terms and allocation of the \$2,000,000 Business Technical Assistance grant from AC Transit.

For questions regarding this report, please contact Al Auletta, International Boulevard Corridor Program Manager, at 238-3752.

Respectfully submitted,



MICHELE BYRD
Director, Department of Housing and
Community Development

Prepared by:
Al Auletta, Program Manager
International Boulevard Corridor Project

Attachments (2):

- A. BAF Eligibility Criteria and Disbursement Guidelines*
- B. Business Appeal Process Draft*

Recommended Business Assistance Fund Eligibility Criteria and Disbursement Guidelines

#	Technical Advisory Committee (TAC) Recommendations	Council Direction and Staff Recommendations
1	Entity: Must be a for-profit business.	City Council intent.
2	Location: On BRT route frontage or within 500 feet from front face curb of route.	Staff partially agrees , but recommends that all businesses are eligible for Fund consideration within <u>one block</u> on either side of BRT route frontage.
3	Licenses: Must have Oakland Business Tax License and all required permits, etc.	Staff agrees.
4	Liens: No property or income <u>tax liens</u> against business.	Staff agrees.
5	Annual revenues: a) 3-year average annual revenues less than \$3 million; or b) if in business less than 3 years, annual revenues less than \$3 million.	Public Works Committee Agreement
6	Years in operation: Be in operation in current location 3 years prior to start of construction, or be in a current 3-year lease.	A Public Works Committee member expressed caution about property ownership. The Committee may consider adding that the applicant seeking financial assistance for physical improvements to a structure must be the property owner and is willing to extend a lease with the business operator for at least 3 years.
7	Technical Assistance: Must take advantage of Business Technical Assistance services (TA).	Staff agrees.

Recommended Business Assistance Fund Eligibility Criteria and Disbursement Guidelines

#	Technical Advisory Committee (TAC) Recommendations	Council Direction and Staff Recommendations
8	Distance of impact from BRT features: Up to 2 blocks away from business.	Staff agrees.
9	Feasible plan: Must develop a feasible impact mitigation plan with TA provider.	Staff agrees , and recommends that the Business TA Provider must clearly communicate to the business owner/operator the Eligibility Criteria and Guidelines for the BAF, as well as the Appeal Process. This information must be presented verbally and in writing in the business owner/operator’s native language if he or she does not speak English.
10	Eligible uses of funds: Building renovations, facade improvement, acquisition/creation of private parking, business model alterations, product offerings, business lines, customer base, etc.) and, absent a feasible retention plan, relocation.	Agree , except for payment of relocation costs. There was not Committee consensus and staff has concerns about the high costs associated with business relocation.
11	Oversight: Should be oversight and appeals process for businesses denied support; TAC prefers creation of an Oversight body to hear appeals and reverse funding decisions of warranted.	No consensus on the Committee regarding Oversight. Staff recommends an independent “Business Advocate” (Ombudsperson) role, to be developed and procured, as well as establishing an Administrative Appeal Process. Please see Attachment B.
12	Non-eligible uses: a) For mitigations that come under the FEIR/S and AC Transit’s responsibilities; and b) fund administration costs.	City Council mandate.
13	Term of BAF program: From start of construction until 3 years after BRT operations begins.	Staff is concerned about the prolonged administrative costs of what would be up to a 5-year grant program.

Recommended Business Assistance Fund Eligibility Criteria and Disbursement Guidelines

#	Technical Advisory Committee (TAC) Recommendations	Council Direction and Staff Recommendations
14	<p>Structure and terms of assistance: a) Grants; b) to be repaid if business ceases operations within 5 years; b) Grants not to exceed \$100K; and c) Up to 25% of funds can be used for relocation costs within Oakland.</p>	<p>a) The Committee did not reach consensus on grants versus loans; b) staff is concerned about long-term administrative costs; c) the Committee agrees with \$100K maximum; and d) paying for relocation costs is still open for discussion.</p>
15	<p>Equitable Distribution Model: Based upon business type and proximity to BRT infrastructure (stations, medians, left-turn restrictions) and significant parking loss.</p>	<p>Business types include wholesale distributors, large goods retailers, destination retail and restaurants, and auto servicing operations. <u>Must ensure that businesses in each impacted sub-district receive equitable proportions of funding.</u></p>



PROCEDURES TO APPEAL DENIAL OF RECEIVING A BUSINESS ASSISTANCE FUND (BAF) GRANT

Note: This draft is for internal purposes only. What is prepared for and presented to merchants must be concise, expressed in layman's terms, and translated at the very least into Cantonese, Mandarin, Spanish, and Vietnamese. For business owners who speak other languages, the BRT Business TA Provider can arrange for translation services through the BRT Program Manager, who will work with the City's Equal Access Office.

Glossary of Key Roles

- BRT Business Technical Assistance service provider (Business TA Provider): This function is currently being procured through a competitive RFP process. The Business TA Provider team will provide technical assistance to businesses along the BRT route before, during and after construction. The Business TA Provider will also identify and work with businesses that may be eligible for financial assistance through the City's Business Assistance and Sustainability Fund (Business Assistance Fund).
- Ombudsperson (BRT "Business Advocate")--Proposed: This function would be procured through a competitive RFQ process to serve as a neutral advocate for businesses along the BRT route to ensure they receive the services and support they may need and are entitled to under the various requirements and resources pertaining to the BRT Business Sustainability Program.
- BRT Program Manager: This position is in the Department of Housing and Community Development and serves as the City's primary point of contact for BRT Business Technical Assistance and Business Assistance Fund programs and services. The Program Manager is the first person to formally consider and make a determination regarding appeals for denial of a Business Assistance Fund grant.
- Director of Housing and Community Development: This position directs the BRT Program Manager and the City's BRT Business Technical Assistance and Business Assistance Fund programs and services. The Director has a role in considering appeals beyond the Program Manager.
- Assistant City Administrator: This position is the primary point of contact on behalf of the City Administrator for the BRT project, and makes the final determination in the appeal process.

Purpose

Business owners along the AC Transit Bus Rapid Transit (BRT) route that believe they are eligible for financial assistance through the City's BRT Business Assistance Fund (BAF)¹, may apply for a grant through the City of Oakland's Business Technical Assistance service provider, *[to be determined through an RFP process]*. The application form will include the BAF grant Eligibility Criteria and Guidelines, which will also be provided to business owners and operators verbally by the City's Business Technical Assistance service provider.

In the event a business is denied financial assistance, it has the right to file an appeal and must receive thorough, fair and timely consideration.

BAF Grant Appeal Criteria

A business cannot file an appeal until the following steps have taken place:

1. It received assistance from the City's BRT Business TA Provider, received information about the eligibility criteria for getting BAF grant support, and developed a detailed Plan for the use of the grant funds;
2. It completed an application form for a BAF grant and submitted it to the City's BRT Business TA Provider; and
3. Its request for a grant has been formally denied in writing **or** it has not received a written response regarding the status of its application within 20 calendar days following submittal.

BAF Appeal Process

If a business meets the criteria listed above, then it should follow these steps if it wishes to appeal the initial decision denying its grant request:

1. Contact the City's BRT Business Advocate (*Ombudsperson--insert name and contact information here*) for assistance, if the business so chooses.

*[Note: The **proposed** BRT Business Advocate's (Ombudsperson's) role is to ensure that businesses along the BRT route receive the services and support they need and are entitled to before, during and after BRT construction from the City and AC Transit. Staff's plan is to competitively procure the services of an independent business advocate consultant by way of a contract through a non-profit agency familiar with the BRT project.]*

2. Contact the City's BRT Business Assistance Program Manager *[insert name and contact information]* to set a time for him to visit the business owner to discuss the application and desire to submit a formal appeal. Schedules permitting, the

¹ **Staff recommends streamlining the name from the Business Assistance and Sustainability Fund to Business Assistance Fund.**

site visit should take place within 10 calendar days after contacting the Program Manager.

Note: If translation services are needed, the Program Manager will arrange for them to be on hand through the City's Equal Access Office during the site visit. This may delay the site visit.

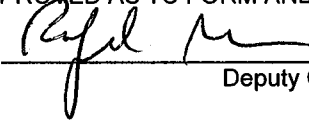
3. The Program Manager will review the business's Plan and confer with the Business TA Provider that denied the grant request in preparation for the site visit.
4. If, following the site visit, the business owner still wishes to file a formal appeal, the Business Advocate will ensure that the business owner has the appropriate form to complete. If there are language and/or literacy concerns, the Business Advocate can arrange for translation services through the Program Manager.
5. Program Manager will confer again with the Business TA Provider, subject matter experts, the Business Advocate and any other appropriate stakeholders to gather information upon which to base a decision. He may also return to confer with the business owner if there are information gaps.
6. The Program Manager will formally respond to an appeal within 20 calendar days following the submittal of the formal appeal in writing and completion of due diligence.
7. If the business owner is not satisfied with the Program Manager's decision, she or he can request to have the appeal forwarded to the Director of Housing and Community Development. She will review the facts of the application and reasons for denial based upon the Eligibility Criteria and Guidelines for issuing BAF grants. The business owner, with assistance from the Business Advocate, has the right to present additional information in writing and may request a meeting to present his or her position with the Director.
8. The Director will render a decision in writing to the business owner within 10 calendar days following the completion of appeal review process.
9. If the business owner is not satisfied with the Director's decision, she or he may request to have the appeal forwarded to the Assistant City Administrator assigned to the BRT project. She will perform her due diligence, including requests for additional information and perhaps a meeting with the business owner and other parties involved in the decision. Once all pertinent information is gathered, the Assistant City Administrator will render her decision within 10 calendar days.

Her decision is final.

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APPROVED AS TO FORM AND LEGALITY:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

A RESOLUTION TO 1) APPROVE ELIGIBILITY CRITERIA AND DISBURSEMENT GUIDELINES FOR THE BUSINESS ASSISTANCE AND SUSTAINABILITY FUND AND TO AUTHORIZE THE CITY ADMINISTRATOR, WITHOUT RETURNING TO CITY COUNCIL, TO DISBURSE SAID FUNDS IN THE FORM OF GRANTS NOT-TO-EXCEED \$100,000 PER ELIGIBLE BUSINESS BASED UPON THE APPROVED ELIGIBILITY CRITERIA AND DISBURSEMENT GUIDELINES; AND 2) TO RENEGOTIATE THE TERMS AND ALLOCATION OF A \$2,000,000 BUSINESS TECHNICAL ASSISTANCE GRANT FROM AC TRANSIT

WHEREAS, as a Condition of Approval for the East Bay Bus Rapid Transit (BRT) project, the Oakland City Council and the AC Transit Board of Directors adopted and committed to support a Business Sustainability Program (BSP) to support businesses along the BRT route during construction and when the BRT goes operational; and

WHEREAS, the agreement between the City and AC Transit includes the establishment of a Business Assistance and Sustainability Fund, going forward to be referred to as the Business Assistance Fund (BAF), in the amount of \$2,000,000 to support businesses that experience permanent adverse impacts due to BRT infrastructure that are not covered under the project's Final Environmental Impact Statement and Report (FEIS/FEIR); and

WHEREAS, the City Council authorized the appropriation of \$1,000,000 in General Purpose Funds by way of Resolution No. 85085 C.M.S. during the FY 2013-2015 mid-cycle budget modification process to go towards the BAF; and

WHEREAS, the City Council authorized the appropriation of \$500,000 in FY 2015-2016 CDBG funds and \$500,000 in FY 2016-2017 CDBG funds by way of Resolution No. 85286 C.M.S. to go towards the BAF; and

WHEREAS, Resolution No. 85286 C.M.S. explicitly states that said funds shall not be dispensed until guidelines are in place; and

WHEREAS, staff formed a Technical Advisory Committee (TAC) of representatives from each of the sub-districts through which the BRT will run appointed by the City Councilmembers who represent each of the sub-districts; and

WHEREAS, the TAC developed a set of recommendations to guide the disbursement of the BAF based on extensive experience working with merchants in their respective sub-districts; and

WHEREAS, staff is presenting the recommendations developed by the TAC for the City Council's consideration with comment, presented as **Exhibit A**; and

WHEREAS, the City Council commends the TAC for its work in developing the BAF Eligibility Criteria and Disbursement Guideline recommendations for the City Council's consideration, and for the members' continued commitment to working diligently on behalf of businesses along the BRT route; and

WHEREAS, time is of the essence to establish the eligibility criteria, guidelines, and administrative systems for the disbursement of the BAF given that the major phase of BRT construction is scheduled to begin in October 2016 and some businesses have expressed the need to make modifications to their business operations and buildings in advance of construction; and

WHEREAS, City staff require several months of planning, procurement of professional services, and reassigning personnel to assist with the programmatic and administrative tasks required to administer every aspect of the \$2,000,000 BAF in an equitable, efficient, transparent, timely manner; and

WHEREAS, staff is also in the process of negotiating a modification of the City's Memorandum of Agreement (MOU) with AC Transit for a \$2,000,000 Business Technical Assistance (TA) grant, a portion of which City staff plan to use to link business TA services with the disbursement of the BAF; and

WHEREAS, staff is also in the process of procuring the services of a contractor through a competitive RFP to assemble a team of business services experts and community stakeholders familiar with businesses in each of the sub-districts of the BRT route in Oakland to provide ground-level business TA in coordination with AC Transit's Community Outreach team; and

WHEREAS, staff will return to the City Council in September 2016 following the results of its RFP process with a recommendation to authorize a contract with the most qualified respondent, whose team will then work closely with City staff in identifying businesses potentially eligible to receive BAF support based on the Eligibility Criteria and Disbursement Guidelines approved by the City Council by way of this Resolution; now, therefore, be it

RESOLVED: That the City Council adopts the BAF Eligibility Criteria and Disbursement Guidelines presented as **Exhibit A** of this Resolution; and be it

FURTHER RESOLVED: That the City Administrator is authorized, without returning to City Council, to disburse said funds in the form of grants not-to-exceed \$100,000 per eligible business based upon the approved Eligibility Criteria and Disbursement Guidelines; and be it

FURTHER RESOLVED: That the City Administrator is authorized to negotiate the reallocation of the \$2,000,000 Business Technical Assistance grant from AC Transit in a manner that involves the competitive procurement of needed professional services, as

well as the assignment of City staff to assist with the administration of the BAF; and be it

FURTHER RESOLVED: That the City Administrator or her designee is hereby authorized to spend funds and take other action with respect to the adopted budget and authorized contracts consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON MCELHANEY

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Business Assistance Fund Eligibility Criteria and Disbursement Guidelines

1	Entity: Must be a for-profit business.
2	Location: On BRT route frontage or <u>one block</u> ¹ within 500 feet from front face curb of route.
3	Licenses: Must have Oakland Business Tax License and all required permits, etc.
4	Liens: No property or income tax liens against business.
5	Annual revenues: a) 3-year average annual revenues less than \$3 million; or b) if in business less than 3 years, annual revenues less than \$3 million.
6	Years in operation: Be in operation in current location 3 years prior to start of construction, or be in a current 3-year lease.
7	Technical Assistance: Must take advantage of Business Technical Assistance services (TA).
8	Distance of impact from BRT features: Up to 2 blocks away from business.
9	Feasible plan: Must develop a feasible impact mitigation plan with TA provider.
10	Eligible uses of funds: Building renovations, facade improvement, acquisition/creation of private parking, business model alterations, product offerings, business lines, customer base, etc.) and, absent a feasible retention plan, relocation.
11	Oversight: To establish an administrative <u>Should be oversight and appeals process for businesses denied support, including the creation of an Ombudsperson role.</u> ; TAC prefers creation of an Oversight body to hear appeals and reverse funding decisions of warranted.

¹ The strike-throughs and underlines indicate language deleted and inserted by staff that differs from language recommended by the Technical Advisory Committee (TAC).

Business Assistance Fund Eligibility Criteria and Disbursement Guidelines

12	<p>Non-eligible uses: a) For mitigations that come under the FEIR/S and AC Transit's responsibilities; and b) fund administration costs.</p>
13	<p>Term of BAF program: From start of construction until <u>one year</u> 3-years after BRT operations begins.</p>
14	<p>Structure and terms of assistance: a) Grants <u>not to exceed \$100,000 per business to be disbursed on a reimbursement basis to business/property owners or directly to contractors;</u> b) to be repaid if business ceases operations within 5 years; b) Grants <u>not to exceed \$100K;</u> and c) Up to 25% of funds can be used for relocation costs within Oakland.</p>
15	<p>Equitable Distribution Model: Based upon business type and proximity to BRT infrastructure (stations, medians, left-turn restrictions) and significant parking loss. <u>Must ensure that businesses in each impacted sub-district receive equitable proportions of funding.</u></p>